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10/706,114	11/13/2003	Yuuji Kitamura	R2184.0270/P270	7707

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EXAMINER	
ALUNKAL, THOMAS D	

ART UNIT	PAPER NUMBER
2633	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,114	KITAMURA, YUUJI	
	Examiner	Art Unit	
	Thomas D. Alunkal	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/13/03,03/05/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-15 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11-15 are drawn to a "program" *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships

between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki et al (**U.S. PgPub 2002/0159360**) in view of Oshimi (**U.S. 5,699,331**).

Regarding **Claim 1**, Tosaki et al disclose a medium judgment method which determines authorization having a read-only area (**see Paragraph 23**) use in an optical disk drive. Tosaki et al also disclose acquiring a specific information of the medium from an information reproduction area of the read-only area of the medium (**see Paragraph 33**). Tosaki et al also disclose determining whether contents of the medium are authorized based on the acquired specific information (**see Paragraph 33**). Furthermore, Tosaki et al disclose permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However,

Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose methods for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment method, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding **Claim 2**, Tosaki et al disclose wherein when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on the error information obtained in the acquiring step (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111**). Pickup, **Figure 5, Element 104** detects error signals in addition to specific copyright information.

Regarding **Claim 3**, Tosaki et al disclose a medium judgment method which determines authorization having a read-only area (**see Paragraph 23**) use in an optical disk drive. Tosaki et al also disclose acquiring first specific information of the medium from a wobbling groove of the medium (**see Paragraph 34**). Tosaki et al also disclose acquiring a second specific information of the medium from an information reproduction

area of the read-only area of the medium (**see Paragraph 38**), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (**see Paragraph 40**). Furthermore, Tosaki et al disclose determining whether contents of the medium are authorized based on both the acquired first specific information and the acquired second specific information (**see Paragraphs 34 and 35**). Tosaki et al disclose permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose methods for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment method, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the

RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding **Claim 4**, Tosaki et al disclose when the acquisition of the first specific information from the medium is impossible and he acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both the error information obtained in the first acquiring step and the acquired second specific information (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in **Paragraph 41**.

Regarding **Claim 5**, Tosaki et al disclose when the acquisition of the firs specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in **Paragraph 41**.

Regarding **Claim 6**, Tosaki et al disclose a computer-readable storage medium storing a program (program is inherently installed in hardware of system control circuit (**Figure 5, Element 11**), which allows for judgment method to be performed) causing a computer to execute a medium judgment method which determines authorization having a read-only area (**see Paragraph 23**) use in an optical disk drive.

Tosaki et al also disclose acquiring a specific information of the medium from an information reproduction area of the read-only area of the medium (**see Paragraph 33**). Tosaki et al also disclose determining whether contents of the medium are authorized based on the acquired specific information (**see Paragraph 33**). Furthermore, Tosaki et al disclose permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose methods for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment method, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding **Claim 7**, Tosaki et al disclose wherein when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on the error information obtained in the acquiring step (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111**). Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information.

Regarding **Claim 8**, Tosaki et al disclose a computer-readable storage medium storing a program (program is inherently installed in hardware of system control circuit (**Figure 5, Element 11**), which allows for judgment method to be performed) causing a computer to execute a medium judgment method which determines authorization having a read-only area (**see Paragraph 23**) use in an optical disk drive. Tosaki et al also disclose acquiring first specific information of the medium from a wobbling groove of the medium (**see Paragraph 34**). Tosaki et al also disclose acquiring a second specific information of the medium from an information reproduction area of the read-only area of the medium (**see Paragraph 38**), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (**see Paragraph 40**). Furthermore, Tosaki et al disclose determining whether contents of the medium are authorized based on both the acquired first specific information and the acquired second specific information (**see Paragraphs 34 and 35**). Tosaki et al disclose permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the

medium is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose methods for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment method, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding **Claim 9**, Tosaki et al disclose when the acquisition of the first specific information from the medium is impossible and he acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both the error information obtained in the first acquiring step and the acquired second specific information (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Regarding **Claim 10**, Tosaki et al disclose when the acquisition of the firs specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Regarding **Claim 11**, Tosaki et al disclose a computer-readable storage medium storing a program (program is inherently installed in hardware of system control circuit (Figure 5, Element 11), which allows for judgment method to be performed) causing a computer to execute a medium judgment method which determines authorization having a read-only area (**see Paragraph 23**) use in an optical disk drive. Tosaki et al also disclose acquiring a specific information of the medium from an information reproduction area of the read-only area of the medium (**see Paragraph 33**). Tosaki et al also disclose determining whether contents of the medium are authorized based on the acquired specific information (**see Paragraph 33**). Furthermore, Tosaki et al disclose permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use

of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose methods for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment method, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding **Claim 12**, Tosaki et al disclose wherein when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on the error information obtained in the acquiring step (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111**). Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information.

Regarding **Claim 13**, Tosaki et al disclose a computer-readable storage medium storing a program (program is inherently installed in hardware of system control circuit (Figure 5, Element 11), which allows for judgment method to be performed) causing a computer to execute a medium judgment method which determines authorization

having a read-only area (**see Paragraph 23**) use in an optical disk drive. Tosaki et al also disclose acquiring first specific information of the medium from a wobbling groove of the medium (**see Paragraph 34**). Tosaki et al also disclose acquiring a second specific information of the medium from an information reproduction area of the read-only area of the medium (**see Paragraph 38**), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (**see Paragraph 40**). Furthermore, Tosaki et al disclose determining whether contents of the medium are authorized based on both the acquired first specific information and the acquired second specific information (**see Paragraphs 34 and 35**). Tosaki et al disclose permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

Regarding **Claim 14**, Tosaki et al disclose when the acquisition of the first specific information from the medium is impossible and he acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both the error information obtained in the first acquiring step and the acquired second specific information (**see Paragraphs 37 and 41 and Figure 5,**

Elements 109 and 111). Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Regarding **Claim 15**, Tosaki et al disclose when the acquisition of the firs specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in **Paragraph 41**.

Regarding **Claim 16**, Tosaki et al disclose an optical disk drive (**see Figure 5**), which determines authorization of a optical disk having a read-only area (**see Paragraph 23**). Tosaki et al also disclose a system control unit (**see Figure 5, Element, 111**) controlling the entire optical disk drive. Tosaki et al also disclose an optical head (**see Figure 5, Element 104**) irradiating a light beam to the disk and performing reading/writing of information with the disk by the control of the system control unit. Tosaki et al also disclose a motor rotating the disk (**see Figure 5, Element 106**). Tosaki et al also disclose a position control unit (**see Figure 5, Elements 105 and 107**) performing a position control of the optical head and a rotation control of the motor by the control of the system control unit. Tosaki et al also disclose the system control unit comprising an acquiring unit (**see Figure 5, Elements 104 and 105**)

acquiring specific information of the disk from an information reproduction area of the read-only area of the disk. Tosaki et al also disclose a determining unit determining whether contents of the disk are authorized based on the acquired specific information (**see Paragraph 35**). Tosaki et al also disclose a permitting unit permitting running of a starting process of the optical disk drive with the disk when the authorization of the disk is determined as being correct (**see Paragraph 32**). Tosaki et al also disclose an inhibiting unit inhibiting running of the starting process of the optical disk drive with the disk when the authorization of the disk is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose apparatuses for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment apparatus, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding Claim **17**, Tosaki et al disclose wherein when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on the error information obtained in the acquiring step (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111**). Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information.

Regarding **Claim 18,** Tosaki et al disclose an optical disk drive (**see Figure 5**), which determines authorization of a optical disk having a read-only area (**see Paragraph 23**). Tosaki et al also disclose a system control unit (see Figure 5, Element, 111) controlling the entire optical disk drive. Tosaki et al also disclose an optical head (**see Figure 5, Element 104**) irradiating a light beam to the disk and performing reading/writing of information with the disk by the control of the system control unit. Tosaki et al also disclose a motor rotating the disk (**see Figure 5, Element 106**). Tosaki et al also disclose a position control unit (**see Figure 5, Elements 105 and 107**) performing a position control of the optical head and a rotation control of the motor by the control of the system control unit. Tosaki et al also disclose the system control unit comprising a first acquiring unit (**see Figure 5, Elements 104 and 105**) acquiring a first specific information of the disk from a wobbling groove of the disk (**see Paragraph 34**). Tosaki et al also disclose a second acquiring unit (**see Figure 5, Elements 105 and 107**) acquiring a second specific information of the medium from an information reproduction area of the read-only area of the medium (**see Paragraph 38**), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (**see Paragraph 40**). Tosaki et al also disclose a

determining unit determining whether contents of the disk are authorized based on both the acquired first specific information and the acquired second specific information (**see Paragraphs 34 and 35**). Tosaki et al also disclose an inhibiting unit inhibiting running of the starting process of the optical disk drive with the disk when the authorization of the disk is determined as being incorrect (**see Paragraph 35**). Tosaki et al do not disclose the use of a hybrid disc as the recording medium to be judged. However, Oshimi discloses the use of a hybrid disc, with read-only and rewritable sections, as the recording medium to be judged (**see Column 10, lines 11-14**).

One of ordinary skill at the time of the invention would have been motivated to combine the above teachings of Tosaki et al with those of Oshimi. Both Tosaki et al and Oshimi disclose apparatuses for judging whether the information on a disc is to be prohibited from being reproduced. Thus, they are in the same field of invention. Additionally, in **Paragraph 241**, Oshimi discloses that by using a hybrid disc in the medium judgment apparatus, the RAM area will have its capacity virtually increased. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Oshimi into those of Tosaki et al because, in doing so, the RAM area will have its capacity virtually increased, which is an improvement over the standard read-only disc disclosed by Tosaki et al.

Regarding **Claim 19**, Tosaki et al disclose when the acquisition of the first specific information from the medium is impossible and he acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both the error information obtained in the first acquiring step and

the acquired second specific information (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in **Paragraph 41**.

Regarding **Claim 20**, Tosaki et al disclose when the acquisition of the firs specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (**see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111).** Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in **Paragraph 41**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571)272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Alunkal
Patent Examiner

SHANON A. FOLEY
SUPERVISORY PATENT EXAMINER